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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,566	11/20/2001	Stephen R. Bacso	1028-010US01	3490

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EXAMINER	
POLTORAK, PIOTR	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/991,566	BACSO ET AL.	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) *41-47* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40 and 48-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) *41-47* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment, and remarks therein, received on 2/02/06 has been entered and carefully considered.
2. With the exception of withdrawn claims 41-47 all of the claims 1-40 and 48-53 have been amended. The newly introduced limitation has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

4. The drawings received on 2/02/06/ replacing the objected drawings (received on 11/20/01) have been accepted. Similarly, the amendments to the specification have also been accepted. As a result, the objections directed towards drawings and the specification are withdrawn.
5. Claims 1, 9-11, 14-20 and 22 have been amended in such a way that overcame the previous Office Action objections. As a result the objections directed towards claims 1, 9-11, 14-16, 20 and 22 are withdrawn.
6. In regard to the 35 USC § 112 rejections applicant only addressed the limitations: "determining which versions of the content the receiver is permitted to access" and "determining if permission is available to use storage accessible to the receiver with

characteristics". For example applicant attempts to explain the phrase and states that the concept is readily understood by those skilled in the art.

7. In light of applicant's remarks, the examiner treats "determining if permission is available" as not directed to any permissions bur rather as equivalent to "determining if (an object/user) is permitted to ...". In other words it is clear from applicant's disclosure that the claim limitations simply relate to access permissions and as a result the 35 USC § 112 rejection directed towards claims 48-49 are withdrawn.
8. Applicant addresses some of the 35 USC § 112 rejection. In particular, applicant suggests that the term "opportunity" is disclosed in the specification starting at page 16 line 1 and with reference to Table 2 starting on page 43, line 28.
9. The examiner did not find the precise meaning of the term in the specification as suggested by applicant. For example, Table 2 is described as "List of content and related characteristics" (pg. 44) and pg. 43 further discloses that "the opportunity type describes how the content display opportunity is initiated". Table 2 comprises columns such as: type, method etc. Furthermore, the columns display particular entries, e.g. channel=CNN or function=on in "opportunity context" column. The examples provided in Table 2 and Fig. 5A seem to provide a variety of elements and these examples should not be treated as a complete list. This kind of explanation offered by applicant as to the definition of "opportunity" is simply inadequate. It is as precise as referring to a USPTO building with people a front of it as a definition of an examiner. Similarly, simply some of the functionalities, e.g. people working with

USPTO applications is far from a precise and well understood definition of an examiner.

From applicant's arguments it appears that it is clear to applicant what the definition of "opportunity" is. Thus, the examiner requests that applicant provides a clear and concise definition of the term (supported by the specification), rather than simply offering the associated functionality and/or environment in order to alleviate guessing as to the intended meaning of the claim limitations. For purposes of further examination the phrase continues to be treated as best understood.

10. Claims 1, 3-8, 12-13, 17-19, 21, 23-37, 40-50 and 52 provide differences between the applicant's invention and the art of record. Specifically, applicant attempts to differentiate the broadcast technology that applicant's invention is primarily directed to and the client server technology disclosed in the art of record. The second main difference according to applicant is missing "a viewing opportunity".

11. The newly introduced term "broadcast" has been introduced to the preambles of claims 48-52. The examiner points out that a preamble is generally not accorded any patentable weight. However, in light of applicant's remarks that underline the importance of the "broadcast" environment, the newly introduced term "broadcast" is treated as an essential part and thus carries patentable weight. The newly introduced term is addressed in this Office Action.

12. In the previous Office Action applicant was reminded that the terms such as "can" (e.g. claim 5) were not limitations and in a few instances where applicant decided to

keep the term in the claim language the examiner continues to give nominal consideration to such limitations.

Claim Rejections - 35 USC § 112

13. Claims 1-40 and 48-53 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Applicant did not clarify the term "opportunity" and did not explained how the term relates to other terms e.g. "content". Also, the term "potential" was not clearly addressed.

15. The term "said versions of content" recited in claims 50-53 lacks antecedent basis. It is not clear whether it refers to "said versions of potential content" or something else.

16. It is not clear whether it is a facility that is encrypted and decrypted or whether the limitation in claim 11 means that the facility performs the encryption/decryption.

17. It is not clear how switching off the receiver recited in claim 17 can invoke a function on a receiver to provide content targeting opportunity. Also, it is not clear whether switching the receiver refers to changing the receiver, switching on the receiver, switching off the receiver, switching the channel or a content on the receiver or whether the limitation has some other intended meaning. For purposes of further examination the phrase is treated such that any of the above interpretations satisfy the claim limitation.

18. Claim 13 is not clear. It recites the term: "algorithms of the opportunity". The specification (including paragraphs [108-109], [222] [234]) suggests that opportunity is simple type of data that is subject to certain algorithms rather than data including algorithms. Thus the phrase: "algorithms of the opportunity and content matching processes... are transmitted as one of the viewing opportunity or selection of content characteristics" is not clear. It is not clear whether applicant confuses an algorithm that is simply a set of instructions with other types of data or whether mixing the terms should be interpreted in a certain way.

19. The phrases: "the channels being related for the purposes of sharing the advertising on each channel ... the advertising opportunity" and "exercising of the content targeting opportunities and a frequency of a time of, and a time separating the providing of the content targeting opportunities" in claims 18 and 20 are not understood. Also, in claim 20 it is not clear what combination applicant refers to: the exercising of the content targeting opportunities and a frequency, time or time separating the providing of the content targeting opportunities.

20. The language of claim 36 seems to have some structural problem and it is treated as best understood.

21. In claim 15 the phrase: "only some or none of the characteristics are retrieved from the facilities, and only the determination of the content and opportunity matching process is returned without any of the characteristics" is confusing at best. The language seems to recite simply the operation of a programming function operates on input arguments (e.g. characteristics) and output results that are outcome of the

operations on the arguments. As a result, the intended meaning of the claim limitation is not understood.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

22. Claims 50 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Ficco (U.S. Pub. No. 20050166224).

As per claims 50 and 52 Ficco's invention is directed towards delivering content in a broadcast environment (Ficco, Abstract). Ficco, discloses receiving from content providers, a plurality of potential versions of content for presentation to the users (Ficco, [21, 40-43]), and presenting to a user a version of content selected from the plurality of versions of potential content based on information known about the user (Ficco, [42-44]).

Claim Rejections - 35 USC § 103

23. Claims 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (U.S. Pub. No. 20050166224) in view of Ginter (U.S. Patent No. 6237786).

In addition to the previously discussed method, Ficco also discloses recording previously viewed content in a database (Ficco, [39]) and reporting information from the database in order to match content to a viewer.

Ficco does not explicitly teach reporting the fact the particular versions of content were presented to the user. However, given the fact that, as disclosed by Ficco, the recorded content is used in matching the content with the viewer, it would have been

obvious to one of ordinary skill in the art at the time of applicant's invention to report the fact the particular versions of content were presented to the user in order to derive the most appropriate selection.

Also, Ginter et al. teach recording and reporting the fact that the content has been presented to a user (Ginter et al., col. 292 lines 29-39).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to record and report the fact that the content has been presented to a user.

One of ordinary skill in the art would have been motivated to perform such a modification in order to provide additional content management capabilities, e.g. budgeting, auditing etc.

24. Claims 1, 3-6, 21-26, 37-38, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (U.S. Pub. No. 20050166224) in view of Ginter (U.S. Patent No. 6237786) and Windows NT as illustrated by Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213) and further in view of Menezes (Alfred J. Menezes, Paul C. van Oorschot, Scott A. Vanstone, "Handbook of applied cryptography", 1997, ISBN: 0849385237).

Ficco in view of Ginter's invention has been discussed above.

As per claim 1, 5-6, 21-23 and 48 Ficco's teaches the receiver comprising one or more components (Ficco, Fig. 1) implemented in a set-top box (Ficco, [8]) connected to one or more networks including a cable television network or a direct-to-home satellite broadcasting system for example (Ficco, [21]), the receiver performing an opportunity matching process to determine which accessible versions of the content

match the viewer, viewing opportunity and selection of content characteristics (Ficco, [21, 40-43]). Although Ficco teaches identifying physically accessible versions of the content (Ficco, [41-43]), Ficco does not explicitly teach identifying permissions to the content. However, identifying permission to content is well known in the art as illustrated by Windows NT (Hadfield, pg. 200-201). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to identify permissions to content as illustrated by Windows NT. One of ordinary skill in the art would have been motivated to identify content permissions in order to prevent unauthorized use of the content.

Ficco discloses that a viewer's characteristics is sensitive data (personal details such as ethnicity, religious affiliation). Ficco does not teach encrypting characteristics of a viewer and as a result Ficco does not disclose decrypting characteristics of a viewer.

Menezes offers cryptography as a tool to provide confidentiality (Menezes, "Cryptographic goals", pg. 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to keep confidential data such as characteristics of a viewer encrypted and decrypt only when needed given the benefit of security and confidentiality.

25. As per claim 3 Ficco's invention is not manually implemented but rather it is clear that some kind of software function (e.g. utilizing database) is utilized.

26. As per claim 4 Ficco teaches that a type of the version of content is determined in accordance with the characteristics of the viewing opportunity (Ficco, [41-43]).

27. As per claims 22-23 Ficco does not disclose utilizing protocols such as mpeg, DVB, ATVEF, DVB, EIT, MHP and WAP. However, these protocols are obvious variations that are well known in the art. One would have been motivated to use them especially in light of the benefits of using these technologies as evidenced by their commercial success.

28. As per claim 26 Ficco teach receiving content at a variety of times, e.g. a convenient time or delivered during off-peak times when broadcast content is not typically being viewed on display [37]. Furthermore, the examiner points out that it is old and well-known practice to utilize viewing facilities for acquiring content when a receiver is not being used for viewing, given the benefit of accruing the content for later use without a viewer's time commitment.

29. As per claims 37-38, Ficco do not explicitly teach that the viewer's permission of the level of detail to be reported is obtained by one or more of the following: an agreement at the time of acquisition of the receiver by the viewer, which may be obtained through a subsidized purchase of rental price, a reduction in the price of the service, or a credit towards specific services and a direct payment to the viewer. Also, Official Notice is taken that it is old and well-known practice to implement a level of detail of the reporting based on permission the viewer has agreed to. One of ordinary skill in the art at the time of applicant's invention would have been motivated to subsidize purchase of rental price in order to obtain the viewer's permission to report the level of detail in order to motivate users to provide detail statistics, which could be used in generating additional revenues.

Furthermore, configuring the receiver to control the agreed level of detail would be implicit; the receiver disclosed in Ficco's invention is already configured to control some of the viewer's permissions (e.g. version of content permitted by a user, e.g. content other than offensive, Ficco [41]) and include the reporting level of detail would have been obvious to one of ordinary skill in the art at the time of applicant's invention given the benefit of automating the control of the reporting.

30. Claims 2, 7--15, 17-20, 39 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (U.S. Pub. No. 20050166224) in view of Ginter (U.S. Patent No. 6237786), Windows NT as illustrated by Carter ("Windows NT 4.0 MCSE Study Guide", 1997 ISBN: 0764530879) and Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213) and Menezes (Alfred J. Menezes, Paul C. van Oorschot, Scott A. Vanstone, "Handbook of applied cryptography", 1997, ISBN: 0849385237) and further in view of Pierre (U.S. Patent No. 6678463).

As per claims 2, 7-8, 13, 17-20, 39 and 49 Ficco in view of Ginter and Menezes that allows viewing content opportunity initiated by switching the receiver has been discussed above. Furthermore, Ficco teaches viewing a plurality of channels with advertising slots (Ficco, [48]). Selection of content characteristics based on the content targeting opportunities and time (including frequency) would have been implicit given the fact that time is one of the main constraints in broadcasts of content including advertisements.

Ficco in view of Ginter and Menezes do not explicitly teach determining if sufficient space is available on local storage, deleting content to make space available and acquiring and storing the content on the local storage if permission is available. However, storing content on the local storage if permission is available is well known in the art as illustrated by Windows NT (Carter, pg. 209 and 467 for example).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to store content on the local storage if permission is available as illustrated by Windows NT given the benefit of quick access while preventing unauthorized access to the storage.

Also, storing content locally allows uninterrupted viewing regardless of the action taken on inputs to the receiver.

Furthermore, Pierre teaches determining if sufficient space is available on local storage, deleting content to make space available and acquiring and storing the content on the local storage (Pierre, col. 10 lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement determining if sufficient space is available on local storage, deleting content to make space available and acquiring and storing the content on local storage. One of ordinary skill in the art would have been motivated to perform such a modification in order to accommodate the content.

31. As per claims 9 Ficco in view of Ginter's, Menezes and Windows NT do not teach the steps of storing of the characteristics, performing the opportunity matching process and/or the content matching process, recording of the viewing results, and

reporting of the viewing results that are performed and managed on one or more of the facilities selected from on or more grant/deny servers accessible on a network. However, the limitation is implicit. The invention disclosed by Ficco can be implemented in a set-top box (Ficco, Abstract). The set-up boxes are part of a network (that include broadcast equipment and user's TVs for example. Thus they are accessible on a network) and are servers because they serve the content to TV devices. This notion is even more clear in Ficco's invention where Ficco's device provides additional server's functions: e.g. content matching, etc.

32. As per claims 10-11 encryption and decryption has been discussed above. Any encrypted data must be transmitted to the decryption module in order to get decrypted. This also means that the transmitted data is encrypted prior to the transmission and decrypted after reception.

33. As per claim 14 Ficco does not explicitly disclose that the characteristics include one of a postal code, a telephone number, access permissions, prior purchases, a viewer channel selection and EPG display profiles and a content filtering criteria, including VCHIP settings and ratings. Official Notice is taken that it is old and well-known practice to utilize characteristics such a postal code or a telephone number and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize such characteristics given the benefit of easy determination of a viewer's location and as a result providing better content matching.

34. As per claim 15 Official Notice is taken that it is old and well-known practice of not returning arguments of input arguments functions that are already stored and used only for performing certain functions, e.g. content matching. It would have been obvious to one of ordinary skill in the art not to return any of the arguments (characteristics) given the motivation of the benefit of saving computing time, and space.

35. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (U.S. Pub. No. 20050166224) in view of Ginter (U.S. Patent No. 6237786), Pierre (U.S. Patent No. 6678463) and Windows NT as illustrated by Carter ("Windows NT 4.0 MCSE Study Guide", 1997 ISBN: 0764530879) and Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213) and Menezes (Alfred J. Menezes, Paul C. van Oorschot, Scott A. Vanstone, "Handbook of applied cryptography", 1997, ISBN: 0849385237) and further in view of Jeffers (U.S. Patent No. 5036537).

As per claim 35 Ficco, Ginter, Menezes and Windows NT discussed previously do not teach matching based on geographical locations and the receiver's knowledge of its location based on technology for implementing black-out within the receiver, thought matching of content to each area within the black-out pattern.

Jeffers teaches matching based on geographical locations and the receiver's knowledge of its location based on technology for implementing black-out within the receiver, thought matching of content to each area within the black-out pattern (Jeffers, Abstract). It would have been obvious to one of ordinary skill in the art at

the time of applicant's invention to incorporate matching based on geographical locations and the receiver's knowledge of its location based on technology for implementing black-out within the receiver, thought matching of content to each area within the black-out pattern. One of ordinary skill in the art would have been motivated to match geographical locations and the receiver's knowledge of its location based on technology for implementing black-out within the receiver, thought matching of content to each area within the black-out pattern in order to prevent displaying the program to be blacked out.

36. Claim36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (U.S. Pub. No. 20050166224) in view of Ginter (U.S. Patent No. 6237786), Windows NT as illustrated by Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213) and Menezes (Alfred J. Menezes, Paul C. van Oorschot, Scott A. Vanstone, "Handbook of applied cryptography", 1997, ISBN: 0849385237) and further in view of Lu (U.S Patent No. 5771307).

As per claim 36 Ficco, Ginter, Menezes and Windows NT discussed above do not teach using viewer's inputs to calculate a probability of one of a plurality of viewers within a household was viewing the displayed version of content at a given time.

Lu teaches using viewer's inputs to calculate a probability of one of a plurality of viewers within a household that was viewing the displayed version of content at a given time (Lu, col. 21 lines 3-17). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use viewer's inputs to calculate a

probability of one of a plurality of viewers within a household that was viewing the displayed version of content at a given time given the benefit of gathering more precise information pertaining towards a particular viewer for better matching data.

37. Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (U.S. Pub. No. 20050166224) in view of Ginter (U.S. Patent No. 6237786) and Windows NT as illustrated by Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213) and Menezes (Alfred J. Menezes, Paul C. van Oorschot, Scott A. Vanstone, "Handbook of applied cryptography", 1997, ISBN: 0849385237) and further in view of Riise (U.S. Publication No. 20020184314).

Ficco in view of Ginter, Menezes and Windows NT's invention has been discussed above. Ficco in view of Ginter, Menezes and Windows NT do not teach that the versions of content are selected from content on a plurality of services having synchronized start and end times of the content, wherein a bandwidth is available from services which are not airing and are available from a switched network including DSL.

Riise teach versions of content are selected from content on a plurality of services having synchronized start and end times of the content, wherein a bandwidth is available from services which are not airing and are available from a switched network including DSL (Riise, [3], [98] and claim 1 for example). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to start and end times of the content, wherein a bandwidth is available from services which

are not airing and are available from a switched network including DSL given the benefit of additional well known transmission means that provides additional available bandwidth.

38. Claims 28-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (U.S. Pub. No. 20050166224) in view of Ginter (U.S. Patent No. 6237786) and Windows NT as illustrated by Hadfield (Lee Hadfield, Dave Hater, Dave Bixler, "Windows NT Server 4 Security Handbook", 1997, ISBN: 078971213), Menezes (Alfred J. Menezes, Paul C. van Oorschot, Scott A. Vanstone, "Handbook of applied cryptography", 1997, ISBN: 0849385237) and Riise (U.S. Publication No. 20020184314) and further in view of Gonno (U.S. Pub. No. 20010047419).

Ficco in view of Ginter, Windows NT and Risse's invention has been discussed above.

Ficco in view of Ginter, Windows NT and Risse do not teach that the versions of content are further selected from streams of alternative content used by a plurality of services as a source of content alternatives, and the scheduling of the alternative content and the services allow for sharing of content among the plurality of services.

Gonno teaches versions of content selected from streams of alternative content used by a plurality of services as a source of content alternatives, and allowing sharing the content among the plurality of services (Gonno, [12]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate versions of content selected from streams of alternative content used by a plurality of services as a source of content alternatives, and allowing sharing the

content among the plurality of services given the benefit of more effective use of content. Scheduling of the alternative content would have been implicit.

39. The limitations of claim 30 are implicit. Services temporarily off the air either on a regular or occasional basis don't use the bandwidth at the time. Thus the bandwidth is available.

40. As per claim 34 it is implicit that time synchronization should occur if more than one video content stream is used and utilizing in addition to other trigger mechanisms or data element (as the content data for example) a DTMF signal to synchronize time (e.g. use as a base point for the switch) would have been obvious to one of ordinary skill in the art given that they are well known and barring any unexpected results.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

4/24/06

JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER